

# Exhibit 2

AFFIDAVIT

THE STATE OF TEXAS §

COUNTY OF WALKER §


BEFORE ME, the undersigned authority, on this day personally appeared Travis Turner, who, being by me duly sworn, deposed as follows:

“My name is Travis Turner, I am over eighteen years of age, of sound mind, capable of making this affidavit, and I have personal knowledge of the facts stated herein. I am employed by the Texas Department of Criminal Justice (TDCJ), and I serve as the Deputy Director for the Administrative Review & Risk Management Division.

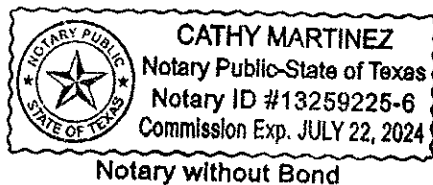
Attached is a true and correct copy of the *Step 2 Grievance No. 2022076330 received by the TDCJ from inmate Stephen Dale Barbee TDCJ# 00999507 on September 9, 2022*, which is kept by the TDCJ in the regular course of its business activity. The entry of such record was made as a regularly conducted activity and as a regular practice of the TDCJ and was made at or near the time of the occurrence of the matters set forth by or from information transmitted by a person with knowledge of those matters.

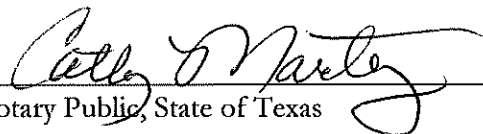
I declare under penalty of perjury that the foregoing is true and correct.”

Further Affiant sayeth not.

  
\_\_\_\_\_  
Travis Turner  
Deputy Director, ARRM  
Texas Department of Criminal Justice

SWORN AND SUBSCRIBED before me by Travis Turner on this the 9th day of November, 2022, to certify which witness my hand and seal of office.



  
\_\_\_\_\_  
Notary Public, State of Texas



## Texas Department of Criminal Justice

## STEP 2

OFFENDER  
GRIEVANCE FORM

Offender Name: Stephen Barber TDCJ # 999507  
 Unit: Polunsky Housing Assignment: 12 A A 04  
 Unit where incident occurred: Polunsky

## OFFICE USE ONLY

Grievance #: 2022076330  
 UGI Recd Date: 9/9/22  
 HQ Recd Date: SEP 12 2022  
 Date Due: 10/18/22  
 Grievance Code: 020  
 Investigator ID#: 12620  
 Extension Date: \_\_\_\_\_

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be Specific). *I am dissatisfied with the response at Step 1 because...*

My Step 1 with concerns how my arms will be strapped down on the gurney was not clearly addressed with an explanation as to "How" my arms will be strapped down where it will NOT cause extreme pain.

With TDCJ going far beyond their own policy to process my Step 1 grievance #2022076330 is causing extreme stress because I have a date of Nov. 16, 2022, and TDCJ has NOT addressed this issue where it will be "clear" on how TDCJ will strap my body (arms) down without causing me great pain in their process. Not even an extension notice was given to me.

C/C

Richard Ellis  
 Attorney at Law  
 75 Magee Ave  
 Mill Valley, CA 94941  
 415-389-6771

Offender Signature: \_\_\_\_\_

Date: 9-9-22

Grievance Response: \_\_\_\_\_

An investigation has been conducted by the Central Grievance Office. During his execution, TDCJ will secure Mr. Barbee on the gurney in a manner that will not require him to fully extend his arms straight. Therefore, he will not suffer any extreme pain. No further action is required at this time.

Signature Authority: \_\_\_\_\_

Date: 11-8-22Returned because: *\*Resubmit this form when corrections are made.*

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible.\*
- ☐ 3. Originals not submitted. \*
- ☐ 4. Inappropriate/Excessive attachments.\*
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language.
- ☐ 6. Inappropriate.\*

CGO Staff Signature: \_\_\_\_\_

**OFFICE USE ONLY**

Initial Submission CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

2<sup>nd</sup> Submission CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

3<sup>rd</sup> Submission CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_